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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,743	10/16/2006	Gereon Vogtmeier	DE030340US1	2256
24737 7590 03/17/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
KIKNADZE, IRAKLI				
ART UNIT		PAPER NUMBER		
2882				
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03/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,743

Applicant(s)

VOGTMEIER ET AL.

Examiner

IRAKLI KIKNADZE

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-13 is/are rejected.
- 7) ☒ Claim(s) 4, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In response to the Office action mailed September 21, 2007 the Amendment has been received December 14, 2007.

Claims 1-10 have been amended.

Claims 12-15 have been newly added.

Claims 1-15 are currently pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 5-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Jensen (US Patent 6,666,579 B2).

With respect to claim 1, Jensen teaches an X-ray unit comprising at least a first arrangement for the contactless and X-ray-free measurement of first data of an object, a second arrangement for measuring X-ray data of the object using X-rays, and a control unit that is provided for controlling the second arrangement as a function of the first

data, wherein at least one of intensity and mean energy of the X-rays is controlled by the control unit based at least in part on the first data (Fig. 1; column 8, lines 1-10, 36-40 and 45-56; column 9, lines 6-21).

With respect to claim 2, Jensen teaches that the first arrangement is stationary with respect to the object and the second arrangement rotates with respect to the object (see Fig.1).

With respect to claim 3, Jensen teaches that the first arrangement comprises a transmitter for transmitting light or sound and a receiver for receiving the reflected light or sound (column 7, lines 20-28 and column 8, lines 1-10).

With respect to claim 5, Jensen teaches an X-ray unit comprising at least a first arrangement for the contactless and X-ray-free measurement of first data of an object, a second arrangement for measuring X-ray data of the object using X-rays, and a control unit that is provided for controlling the second arrangement as a function of the first data, wherein the first arrangement measures the first data by triangulation (column 8, lines 1-10, 36-40 and 45-56; column 9, lines 6-21).

With respect to claim 6, Jensen teaches that the first arrangement has a measuring unit (40) that rotates around the object (Fig. 1; column 8, lines 1-10).

With respect to claim 7, Jensen teaches that the first arrangement comprises a plurality of spatially stationary measuring units (Fig. 1; column 8, lines 1-10).

With respect to claim 8, Jensen teaches that the second arrangement has an X-ray source that rotates around the object and wherein intensity of the X-rays are

controlled by the control unit based at least in part on the first data (column 9, line 30-44).

With respect to claim 9, Jensen teaches that the processor unit that is intended to convert data measured in the first arrangement into geometry data 9column 8, lines 33-40).

With respect to claim 10, Jensen teaches a method of measuring X-ray data of an object that comprises the following steps: measuring first data of the object by means of a contactless and X-ray-free method that is stationary with respect to the object, obtaining X-ray data of the object by means of X-rays from an emitter that rotates with respect to the object, and controlling the measurement of the X-ray data as a function of the first data (Fig. 1; column 8, lines 1-10, 36-40 and 45-56; column 9, lines 6-21).

With respect to claim 11, Jensen teaches the measuring the first data is accomplished by means of sound or light, whereby as an intermediate step in the measurement step the light or sound is reflected by a reflection-optimizing means that is provided on the object (Fig. 1; column 8, lines 1-10).

With respect to claim 12, Jensen teaches determining the first data by triangulation (Fig. 1; column 8, lines 1-10).

With respect to claim 13, Jensen teaches controlling at least one of an intensity or mean energy of the X-rays based at least in part on the first data (column 9, lines 40-45 and 51-57).

Allowable Subject Matter

4. Claims 4, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 4, prior art fails to teach or make obvious an X-ray unit, wherein characterized a first data are geometry data of the object as claimed in combination with all of the remaining elements of the base claim.

With respect to claim 14, prior art fails to teach or make obvious a method comprising determining a geometry of the object from a first data as claimed in combination with all of the remaining elements of the base claim.

With respect to claim 15, prior art fails to teach or make obvious a method comprising determining the geometry of the object based on the first data and a geometry of a support structure for the object as claimed in combination with all of the remaining elements of the base claim.

Response to Arguments

6. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to IRAKLI KIKNADZE whose telephone number is (571)272-2493. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Irakli Kiknadze/
Irakli Kiknadze
Primary Examiner
Art Unit 2882

/I.K./ March 10, 2008

